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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,147	02/20/2004	John P. Franz	200308573-1	7034

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

NGUYEN, NINH H

ART UNIT	PAPER NUMBER
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3745

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/783,147

Applicant(s)

FRANZ ET AL.

Examiner

Ninh H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-10, 18 and 21-24 is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-15, 19, 25-28, 31 and 33-36 is/are rejected.
- 7) ☒ Claim(s) 16, 17, 29, 30, 32 and 37-40 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 02/20/04, 05/17/04.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Covington (3,401,874).

Covington discloses a rotary flow inducing device (Figs. 1-6) comprising a rotary flow inducing blade 12, a protection mechanism 10 comprising a trigger 34 to move the protection mechanism between an operational flow configuration (deployed configuration, Figs. 1, 3) an a protective no-flow configuration (stowed configuration, Fig. 2) with respect to the rotary flow inducing blade;

wherein the protection mechanism comprises a collapsible wall (umbrella cover 22) blocking a flow path of the rotary flow inducing blade in the protective no-flow configuration (Fig. 2) and retracted from the flow path in the operational flow configuration (Fig. 1);

wherein the collapsible wall comprises a plurality of folded portions alternately offset from one another (Figs 1, 2);

wherein the protection mechanism comprises a motion suppression device (ribs 24; col. 4, lines 3-9) adapted to suppress motion of the rotary flow inducing blade in the protective no-flow configuration; and

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wherein the motion suppression device comprises a brake mechanism (ribs 24; col. 4, lines 3-9).

3. Claims 11-15, 19, 25-28, and 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Dickey et al. (6,422,814).

Dickey discloses a system comprising a chassis having a receptacle (Figs. 1-5); a rotary flow inducing device 200 (Figs. 1, 2) movable between an inserted position in the receptacle and a removed position from the receptacle, wherein the rotary flow inducing device comprises a plurality of rotary flow inducing blades 210 in a flow passage; a braking mechanism 250 coupled to the rotary flow inducing device, wherein the braking mechanism has a free configuration permitting rotation of the plurality of rotary flow inducing blades in the inserted position (col. 1, lines 34-38) and a braked configuration suppressing rotation of the plurality of rotary flow inducing blades in the removed position; and an actuator coupled to the braking mechanism and adapted to change the braking mechanism from the free configuration to the braked configuration upon removal from the receptacle;

wherein the chassis comprises a computer system (col. 2, lines 7-16);

wherein the flow inducing device comprises a cooling fan 200 (Fig. 2); and

wherein the braking mechanism comprises a stopping member 254 engageable with the plurality of rotary flow inducing blades in the braked configuration (Fig. 2).

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4. Claims 31 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Covington.

Covington discloses a fan (Figs. 1-6) adapted for insertion into and removal from a chassis (the lower shaft portion 16; Fig. 3) during operation of the fan; a blind mechanism 22 coupled to the fan, wherein the blind mechanism has an open configuration (Figs. 1, 3) freeing flow of the fan in the inserted position (wherein the upper shaft 18 is inserted into the lower shaft 16) and a closed configuration blocking flow of the fan in the removed position (when the umbrella is in a stowed configuration in Fig. 2 with the upper shaft 18 is removed from the lower shaft 16);

wherein the blind mechanism comprises a blind actuator 34 adapted to move a collapsible blind structure between the closed configuration and the open configuration upon removal from the receptacle and upon insertion into the receptacle, respectively.

Allowable Subject Matter

5. Claims 6-10 and 20-24, due to the limitations of the rotary flow inducing device comprising a plurality of rotary flow inducing blades in a flow passage, and a blind mechanism coupled to the rotary flow inducing device, wherein the blind mechanism has an open configuration freeing the flow passage in the inserted position and a closed configuration blocking the flow passage in the removed position, are allowed.

6. Claim 18, due to the limitations of means for blocking and unblocking a flow passage of a rotary flow inducing device having a plurality of rotary flow inducing blades disposed in the flow passage, and means for actuating the means for blocking and unblocking upon movement of

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the rotary flow inducing device to a removed position from a receptacle and to an inserted position in the receptacle, respectively, are allowed.

7. Claims 16, 17, 29, 30, 32, and 37-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

The prior art made of record but not relied upon is considered pertinent to applicant's disclosure and consists of 2 patents.

Stoll et al. (6,174,232) and Ames (5,921,753) are cited to show fans having a shutter mechanism and a brake system, respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ninh Nguyen whose telephone number is (571) 272-4823. The examiner can be normally reached on Monday-Friday from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached at (571) 272-4820. The fax number for this group is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, please go to <http://pair-direct.uspto.gov> or contact the Electronic Business center (EBC) at 866-217-9197 (toll-free).


NINH H. NGUYEN
PRIMARY EXAMINER

Nhn
April 16, 2007